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Remarks

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1-3, 5-7, 11-13, 15-17, 21-24, and 26-29 are amended and claims 8 and 18 are canceled. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 6, line 1, to page 7, line 3), drawings (e.g., FIGS. 1-3), and claims and thus, no new matter has been added. Claims 1-3, 5-7, 9, 11-13, 15-17, 19, and 21-29 are pending.

Interview on May 16, 2005:

The amendments herein follow a telephone conference between the Examiner and Robert J. Brill and Carmen B. Patti, applicants' attorneys, and Joseph S. Hanasz, applicants' agent, on May 16, 2005 in which claim 1, the specification, the drawings, and the art of the record were discussed. During the telephone conference, positive discussion was had and agreement was reached that:

- a. an amendment to claim 1 to recite: "wherein the splitter provides a first signal path between the switch and the main distribution frame, wherein the splitter is configured to be installable on the subset of the plurality of lines without interruption of plain old telephone service on a particular line of the plurality of lines, wherein the particular line is different from every line of the subset of the plurality of lines and provides a second signal path that directly connects the switch with the main distribution frame" would distinguish claim 1 over the art of the record;

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- b. an amendment to claim 1 to recite: "through employment of an individual unit that comprises the plain old telephone service and asymmetric digital subscriber line splitter" would overcome the § 112 rejection; and
- c. the Examiner plans to perform additional searching and should the Examiner locate other prior art considered relevant to the claims the Examiner will telephone applicants' attorney to discuss an additional amendment if needed to render the claims allowable.

The time and courtesy afforded applicants' attorneys and agent as well as the positive discussion had and the agreement reached, are gratefully acknowledged by applicants.

Claim Rejections - 35 U.S.C. § 112:

Claims 1-3, 5-9, 11-13, 15-19, and 21-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Office Action states (page 2, paragraph 3) that the phrase "on a basis of an individual unit that comprises the plain old telephone service and asymmetric digital subscriber line splitter" in claims 1 and 11 is vague. It is allegedly not clear what is referred to by "on a basis of an individual unit". This rejection is respectfully, but most strenuously, traversed.

Applicants have amended independent claims 1 and 11 presented herewith to recite: "through employment of an individual unit that comprises the plain old telephone service and asymmetric digital subscriber line splitter". Agreement was reached during the Interview on May 16, 2005 that this amendment would overcome the § 112 rejection.

Withdrawal of the § 112 rejection is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 103:

Claims 1-3, 5-6, 9, 11-13, 15-16, 19, and 21-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zitting et al. (U.S. Patent No. 6,584,148; "Zitting"). Claims 7-8 and 17-18 are rejected under U.S.C. § 103(a) as being unpatentable over Zitting in view of Guenther et al. (U.S. Patent No. 6,438,226; "Guenther"). These rejections are respectfully, but most strenuously, traversed.

Applicants have amended independent claims 1 and 11 to recite "wherein the splitter provides a first signal path between the switch and the main distribution frame, wherein the splitter is configured to be installable on the subset of the plurality of lines without interruption of plain old telephone service on a particular line of the plurality of lines, wherein the particular line is different from every line of the subset of the plurality of lines and provides a second signal path that directly connects the switch with the main distribution frame". Agreement was reached during the Interview on May 16, 2005 that this amendment would patentably distinguish claim 1 over the teachings of the art of record.

For all the above reasons presented above with reference to claim 1, independent claims 1 and 11 presented herewith are believed neither anticipated nor obvious over the art of the record. The dependent claims 2-3, 5-7, 9, 12-13, 15-17, 19, and 21-29 are believed allowable for the same reasons as the independent claims 1 and 11, as well as for their own additional characterizations.

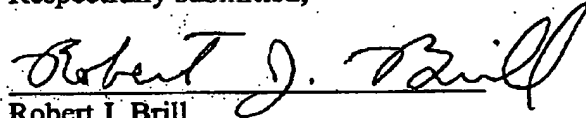
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Withdrawal of the § 103 rejections is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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Dated: May 18, 2005

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